

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JON LUER, and)	
)	
ANDREA STEINEBACH,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 4:17-cv-767 NAB
)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
MICHAEL CLINTON, and)	
)	
BENJAMIN SELZ,)	
)	
Defendants.)	

**MOTION TO STAY
BY DEFENDANT CLINTON AND DEFENDANT SELZ**

Comes now, Defendant Michael Clinton and Defendant Benjamin Selz (“Defendants”), through counsel, and for their motion to stay, state:

1. Defendants filed an interlocutory notice of appeal regarding the issue of qualified immunity on this date. [Doc. 89].
2. Certain pre-trial materials are due on this date. [Doc. 84].
3. The matter is set for trial beginning December 10, 2018.
4. The order denying qualified immunity is immediately appealable under the collateral order exception to the final judgment rule to the extent that it turns on an issue of law. *Mitchell v. Forsyth*, 472 U.S. 511, 526–27, 530, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985). Qualified immunity is “an entitlement not to stand trial or face the other burdens of litigation, conditioned on the resolution of the essentially legal [immunity] question.” *Id.* at 526.

WHEREFORE, based upon the above-referenced appeal, Defendants request a stay regarding the filing of pre-trial materials, and a stay regarding the trial setting, until such time as the Court of Appeals renders a decision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served electronically via this Court's Electronic Filing System to all counsel of record on November 26, 2018:

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